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Counsel for Chapter 11 Trustee
Heide Kurtz

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re

THE WOMAN'S CLUB OF HOLLYWOOD,
CALIFORNIA,

Debtor.

Case No. 2:12-bk-50767-BR

Chapter 11

**STIPULATION BETWEEN THE TRUSTEE
AND SCAPA AND ASSOCIATES
AUTHORIZING THE ADDITIONAL USE OF
CASH COLLATERAL AND AMENDING
THE COURT-APPROVED CASH
COLLATERAL BUDGET**

[No Hearing Required]

TO THE HONORABLE BARRY RUSSELL, UNITED STATES BANKRUPTCY JUDGE:

Heide Kurtz, the chapter 11 trustee (the "Trustee") for the bankruptcy estate (the "Estate") of The Woman's Club of Hollywood, California (the "Debtor"), by and through her undersigned counsel, and Scapa and Associates ("Scapa," and together with the Trustee, the "Parties"), by and through its counsel of record, hereby enter into this *Stipulation Between the Trustee and Scapa and Associates Authorizing the Additional Use of Cash Collateral and Amending the Court-Approved Cash Collateral Budget* (the "Stipulation"). In support of the Stipulation, the Parties refer to the following recitals:

RECITALS

A. On December 13, 2012, a voluntary petition was filed under chapter 11 of the Bankruptcy Code.

B. The Trustee is the duly appointed chapter 11 trustee.

C. Scapa asserts a security interest in the Debtor's real property and rents.

D. On July 3, 2013, the Trustee filed a *Motion for Order Authorizing Use of Cash Collateral Through October 27, 2013, Pursuant to 11 U.S.C. § 363(c)* [Docket No. 174] (the "Motion"). On July 31, 2013, the Court entered an order granting the Motion (the "Cash Collateral Order"). The Cash Collateral Order authorizes the Trustee to use cash collateral on a final basis from July 29, 2013, through and including October 27, 2013, as set forth in the budget attached as Exhibit "1" to the Motion (the "Budget"). The Cash Collateral Order reserves for the Trustee the right to seek additional use of cash collateral by further court order and the right to use additional cash collateral with Scapa's written consent.

E. The Debtor's general liability insurance coverage will expire on September 13, 2013. The Court-approved Budget authorizes the Trustee to expend \$232.00 per month for general liability insurance. This monthly amount is based on the Debtor's monthly obligation under its prior premium financing arrangement. The total new annual premium for general liability insurance coverage, including taxes and fees, is \$2,744.01 (the "Premium"). Without further premium financing, the Trustee must pay \$929.75 up front and the balance (\$1,814.26) within 30 days. If the premium is financed, the Trustee will be required to pay \$929.75 up front and the balance is payable in 9 monthly installments of \$212.91, for a grand total of \$2,845.94.

F. The Estate has the ability to pay the premium without financing. As such, the Trustee seeks to avoid the interest associated with additional premium financing and the cost associated with a motion filed on shortened time to obtain approval of further premium financing.

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1 G. Based on the foregoing, the Trustee requested that Scapa consent to the
2 use of cash collateral totaling \$2,744.01 on the terms and conditions set forth in the Cash
3 Collateral Order to pay the Premium without premium financing as set forth herein
4 (\$929.75 immediately with \$1,814.26 due in 30 days). Scapa consented to the proposed
5 use of cash collateral.

6 **STIPULATION**

7 **NOW, THEREFORE**, based on the above recitals, and subject to Court approval of
8 the Stipulation, the Parties stipulate and agree as follows:

9 1. The Trustee is authorized to use cash collateral totaling \$2,744.01 (\$929.75
10 to be paid immediately and \$1,814.26 to be paid within 30 days thereafter) on the terms
11 and conditions set forth in the Cash Collateral Order to pay the Premium.

12 2. The Budget is hereby deemed amended to include the expenditure in the
13 amount of \$2,744.01 (\$929.75 paid immediately and \$1,814.26 to be paid within 30 days
14 thereafter) for the Premium for general liability insurance coverage.

15 3. The persons signing this Stipulation on behalf of the Trustee and Scapa
16 each represent and warrant that such persons have the authority to bind, and hereby bind,
17 the Trustee and Scapa, respectively, subject to the Court's approval of this Stipulation.

18 **IT IS SO STIPULATED.**

19 Dated: September 10, 2013

WEILAND, GOLDEN,
SMILEY, WANG EKVALL & STROK, LLP

20
21 By: 

ROBERT S. MARTICELLO
Counsel for Chapter 11 Trustee,
Heide Kurtz

22
23
24 Dated: September 10, 2013

SCAPA AND ASSOCIATES

25
26 By: 

ROBERT SCAPA
Attorney for Secured Creditor Scapa
and Associates

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 950, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION BETWEEN THE TRUSTEE AND SCAPA AND ASSOCIATES AUTHORIZING THE ADDITIONAL USE OF CASH COLLATERAL AND AMENDING THE COURT-APPROVED CASH COLLATERAL BUDGET** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **September 10, 2013**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Michael Jay Berger michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com
Michael Jay Berger michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com
Jerome S Cohen jsc@jscbklaw.com
Lei Lei Wang Ekvall lekvall@wglp.com, tjones@wglp.com
Beth Gaschen bgaschen@wglp.com, msciesinski@wglp.com
Alan Harris law@harrisandruble.com
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Heide Kurtz (TR) trustee@hkurtzco.com, ca45@ecfcbis.com
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Ron Maroko ron.maroko@usdoj.gov
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Ronald E Michelman ronaldmichelman@sbcglobal.net
Alda Shelton aldashelton@yahoo.com
Autumn D Spaeth aspaeth@wglp.com, tjones@wglp.com
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **September 10, 2013**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Personal Delivery

The Honorable Barry Russell, U.S. Bankruptcy Courtroom 1668, 255 E. Temple Street, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

9/10/13

Lindsay Fisk

/s/ Lindsay Fisk

Date

Printed Name

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.